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10/758,743	01/16/2004	Andrzej Turski	MS1-3992US	6373
22801 7590 11/18/2009 LEE & HAYES, PLLC 601 W. RIVERSIDE AVENUE SUITE 1400 SPOKANE, WA 99201				
EXAMINER HEFFINGTON, JOHN M				
ART UNIT		PAPER NUMBER		
2179				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

lhptoms@leehayes.com

Office Action Summary

Application No.

10/758,743

Applicant(s)

TURSKE ET AL.

Examiner

JOHN HEFFINGTON

Art Unit

2179

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 August 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5, 7-9, 12-23 and 25-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-9, 12-23, 25-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF/08)
Paper No(s)/Mail Date 3/31/09
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

This action is in response to the amendment filed on 5 August 2009. Claims 1-5, 7-12, 15-19, 21-23, 25-31 have been amended. Claims 6, 10, 11, 24, 32-38 have been canceled. Claims 1-5, 7-9, 12-23, 25-31 are pending and have been considered below.

Response to Arguments

Applicant's arguments with respect to claims 1-5, 7-9, 12-23, 25-31 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-5, 7-9, 12-23, 28-3 are rejected under 35 U.S.C. 102(e) as being anticipated by Horn (US 2004/0177319 A1).

Claim 1: Horn discloses a system for data presentation, comprising: a processing device;

- a. a sorting component that is operable by the processing device, the sorting component being configured to determine categories relating to one or more data items (paragraph 0043, [user defined categorization])
- b. for display on a display device (paragraphs 0053 [view by reference], 0054, [hierarchical views, list views], wherein,
- c. the data items are structured within a hierarchical folder structure (paragraphs 0039, [hierarchical data storage management], 0104, [different types of file systems]); and,
- d. a cluster component that is operable by the processing device, the cluster component being configured to facilitate grouping the categories according to discretized states (0043, [collections, logical grouping of objects]), wherein,
- e. the discretized states are a property which is assigned to each grouped category via the cluster component, to control visible output to the display device (paragraphs 0021, [gathering together objects with similar or the same properties]), and wherein,
- f. the discretized states include a packed state that, when assigned, causes data items in a grouped category to be displayed under a singular icon when viewed from any folder which contains at least one of the data items in the grouped category (paragraphs 0282, [container C can be a folder], 0285, [the set of collections to which each object belongs is added to a result set], 0286, [a new container is created], 0287, [for each collection A in the result set, a new proxy collection P is created, where-by the contents of each P is simply the objects in C

that are also in the collection A], 0288, [the container now contains the set of proxy collections], figure 22, [the proxy proxy collections are represented on the left side as icons], [This means that a container C can contain a subset of another collection A. When a reference view of container C is created, an icon representing the subset of collection A that also resides in C is created. This icon can be selected and the intersection of the contents of container C and collection A can be viewed.])

- g. an unpacked state that, when assigned, causes each data item in the grouped category to be displayed under a singular icon in a tree display and as an individual icon when viewed in a contents display (paragraph 0159, [a standard window for displaying the content of a folder, and a content window which displays a list of the objects within a folder on the left. this means that a folder is contained within a folder in the standard window and when the folder is selected in the standard window, the contents of the folder are displayed on the left side of the content view.]).

Claim 2: Horn discloses the system of claim 1, and Horn further discloses a user interface for displaying the data items on the display device and a data storage for storing the data items (paragraphs 0039, 0040).

Claim 3: Horn discloses the system of claim 1, and Horn further discloses the data items include at least one of a document, a file, a folder, a presentation file, an image

file, an audio file, a result from a an archive, or a computer readable code file (paragraph 0028).

Claim 4: Horn discloses the system of claim 2, and Horn further discloses the user interface includes at least one of a tree display or a tree display and a contents display, wherein the contents display represents items from the tree display (paragraphs 0159, 0161).

Claim 5: Horn discloses the system of claim 2, and Horn further discloses the cluster component controls content merging of subordinate and sibling nodes at the user interface (paragraph 0139, [merging information]).

6. (Previously Canceled)

Claim 7: Horn discloses the system of claim 1, and Horn further discloses the discretized states are persisted on a data storage component (paragraph 0019, [Cache, disk where objects and their associated metadata properties are stored]).

Claim 8: Horn discloses the system of claim 7, and Horn further discloses the discretized states are associated with properties of a group (paragraph 0022, [collection, a grouping of objects based on metadata specification describing

properties])).

Claim 9: Horn discloses the system of claim 8, and Horn further discloses the properties are associated with metadata relating to an item (paragraph 0022, [collection, a grouping of objects based on metadata specification describing properties])).

10. (Previously Canceled)

11. (Previously Canceled)

Claim 12: Horn discloses the system of claim 1, and Horn further discloses a rules component for determining how the data items are to be displayed on the display device (paragraphs 0108, [presenting information in a desktop-type interface showing objects as icon view or list view])).

Claim 13: Horn discloses the system of claim 1, and Horn further discloses a switch component for selecting between the discretized states (paragraphs 0116, 0117, [collections or items can be viewed in list view, content view], 0282, [or reference view])).

Claim 14: Horn discloses the system of claim 13, and Horn further discloses an interface component to enable users to assign states to an item or group (paragraphs 0022, 0204).

Claim 15: Horn discloses the system of claim 13, and Horn further discloses the switch component is a flag associated with a collection of data items that indicates whether the collection is packed or unpacked (paragraphs 0022, 0204).

Claim 16: Horn discloses the system of claim 1, and Horn further discloses the cluster component is further configured to create an overlapping group that includes content from various groups (paragraph 0119, [collections provide logical groupings, objects of various groups can be tagged]).

Claim 17: Horn discloses the system of claim 16, and Horn further discloses the overlapping group includes a recycle group and an archive group (paragraph 0039).

Claim 18: Horn discloses the system of claim 16, and Horn further discloses an interface configured to present a view of at least one group A and at least one group B that shows items in A minus B and a view of subgroup B, which presents data items within an intersection of A and B (paragraphs 0282-0288).

Claim 19: Horn discloses the system of claim 18, and Horn further discloses the interface comprises a viewer that facilitates finding a union of groups A and B (paragraph 0139, [merging information]).

Claim 20: Horn discloses the system of claim 1, and Horn further discloses an interface to display at least one of a static group or a dynamic group (paragraph 0127, [collections are also dynamic]).

Claim 21: Horn discloses the system of claim 20, and Horn further discloses the dynamic group is associated with at least one of an unpacked query or a packed query (paragraph 0127, [a collection can be represented by a query]).

Claim 22: Horn discloses the system of claim 1, and Horn further discloses comprising a component to predict an initial or default states state of a newly created group, wherein the component selects the state states-automatically, or prompts a user to confirm the selection automatically selected state (paragraphs 0039, [special metadata linking to reference objects received by the user], 0042, [automatic organization, indexing and viewing of information objects from multiple sources, 0044, [user selected link data]).

Claim 23: Horn discloses the system of claim 22, and Horn further discloses the predicting suggests a packed state for a newly created group when a condition is met, the condition comprising: a name of a group contains recognizable words; contents of the group are of low importance; or a type of the group indicates a compound document rather than a loose collection of items (paragraph 0043, [system key-phrases matching]).

24. (Previously Canceled)

Claim 28: Horn discloses a method for controlling data output to a comprising:

- a. determining a state of a collection of data items, the state being determined from states comprising a packed state and an unpacked state, wherein the collection of items are organized in a hierarchical structure (paragraphs 0039, [hierarchical data storage management], 0104, [different types of file systems]);
- b. grouping the data according to the determined state (0043, [collections, logical grouping of objects]);
- c. displaying a group of data items under a singular icon in the display when the group is viewed from any folder within the hierarchical structure that contains at least one of the data items in the group of data items, when the group of data items is determined to be associated with the packed state (paragraphs 0282, [container C can be a folder], 0285, [the set of collections to which each object belongs is added to a result set], 0286, [a new container is created], 0287, [for each collection A in the result set, a new proxy collection P is created, where-by the contents of each P is simply the objects in C that are also in the collection A], 0288, [the container now contains the set of proxy collections], figure 22, [the proxy proxy collections are represented on the left side as icons], [This means that a container C can contain a subset of another collection A. When a reference view of container C is created, an icon representing the subset of

- collection A that also resides in C is created. This icon can be selected and the intersection of the contents of container C and collection A can be viewed.]),
- d. displaying the group of data items under a singular icon in a tree view and as individual icons in a contents view, when the group fo data items is determined to be associated with the unpacked state (paragraph 0159, [a standard window for displaying the content of a folder, and a content window which displays a list of the objects within a folder on the left. this means that a folder is contained within a folder in the standard window and when the folder is selected in the standard window, the contents of the folder are displayed on the left side of the content view.]),
- e. switching the group fo data items from being associated with the packed state to the unpacked state or vice versa (paragraphs 0116, 0117, [collections or items can be viewed in list view, content view], 0282, [or reference view]).

Claim 29: Claim 29 discloses the method to be executed by the system of claim 8 and is rejected along that same rational.

Claim 30: Claim 30 discloses the method to be executed by the system of claim 7 and is rejected along that same rational.

Claim 31: Claim 31 discloses the method to be executed by the system of claim 16 and is rejected along that same rational.

- 32. (Canceled)
- 33. (Canceled)
- 34. (Canceled)
- 35. (Canceled)
- 36. (Canceled)
- 37. (Canceled)
- 38. (Canceled)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 25-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Horn (US 2004/0177319 A1) in view of Ortega et al. (US 6,489,968 B1).

Claim 25: Horn discloses a system for organizing data at a computerized display, comprising: one or more processors;

- a. means operable by the one or more processors for determining a state for a subset of data items (paragraphs 0021, [gathering together objects with similar or the same properties], paragraph 0043, [user defined categorization]), wherein the data items are organized in a hierarchical directory tree structure (paragraphs 0039, [hierarchical data storage management], 0104, [different types of file systems]),
- b. means operable by the one or more processors for assigning the state as a property to the subset of data items (paragraphs 0021, [gathering together objects with similar or the same properties]);
- c. means operable by the one or more processors for displaying each item in the subset according to the determined state (paragraphs 0053 [view by reference], 0054, [hierarchical views, list views], wherein,
- d. when the state is determined to be in a packed state the displaying means causes the data items to be displayed under a singular icon when viewed from any directory location which contains at least one of the data items in the subset (paragraphs 0282, [container C can be a folder], 0285, [the set of collections to which each object belongs is added to a result set], 0286, [a new container is

created], 0287, [for each collection A in the result set, a new proxy collection P is created, where-by the contents of each P is simply the objects in C that are also in the collection A], 0288, [the container now contains the set of proxy collections], figure 22, [the proxy proxy collections are represented on the left side as icons], [This means that a container C can contain a subset of another collection A. When a reference view of container C is created, an icon representing the subset of collection A that also resides in C is created. This icon can be selected and the intersection of the contents of container C and collection A can be viewed.]), and wherein

- e. the state is determined to be in an unpacked state the displaying means causes the data items in the subset to be displayed under a singular icon in a tree display and as an respective individual icon when viewed in a contents display (paragraph 0159, [a standard window for displaying the content of a folder, and a content window which displays a list of the objects within a folder on the left. this means that a folder is contained within a folder in the standard window and when the folder is selected in the standard window, the contents of the folder are displayed on the left side of the content view.]),

but does not disclose data items from a subfolder that is determined to be in the unpacked state, to display as respective individual icons along side data items of a parent folder that are determined to be in the unpacked state, as disclosed in the claims. However, in the same field of invention, data items from a subfolder that is

determined to be in the unpacked state, to display as respective individual icons along side data items of a parent folder that are determined to be in the unpacked state (column 7, lines 25-31, column 8, lines 9-13, figure 1A, [books that are identified, for example, as best sellers are identified at lower nodes. These books are elevated to the upper node and places under a link, i.e. an icon, that describes the category of books that were identified at the lower nodes and elevated to the upper node.]). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention, with the teachings of Horn and Ortega before him, to add data items from a subfolder that is determined to be in the unpacked state, to display as respective individual icons along side data items of a parent folder that are determined to be in the unpacked state, as disclosed in Ortega, to the teachings of Horn. One would have been motivated to add data items from a subfolder that is determined to be in the unpacked state, to display as respective individual icons along side data items of a parent folder that are determined to be in the unpacked state, as disclosed in Ortega, to the teachings of Horn to be able to reveal important information hidden in lower nodes in a hierarchical tree structure to a user more effectively (Ortega: column 1, lines 34-39).

Claim 26: Claim 26 discloses a similar system of claim 16 and is rejected along that same rational.

Claim 27: Horn and Ortega disclose the system of claim 26 and Horn further discloses means for controlling the state of the subset of data items (paragraph 0043).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **JOHN HEFFINGTON** whose telephone number is (571)270-1696. The examiner can normally be reached on 8:30 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on 571-272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/SARA HANNE/
Primary Examiner, Art Unit 2179

JMH
11/6/09